

10/24/01

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PTO/SB/05 (03-01)

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Use through 10/31/2002. OMB 0651-0032

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 4478D2 US

First Inventor Linda G. Lee

Title WATER-SOLUBLE RHODAMINE DYE CONJUGATES

Express Mail Label No. EL 897 621 483 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 136]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 4]
5. Oath or Declaration [Total Pages 3]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76.

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Copy (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statement verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Certified Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **09/ 661,206** filed **September 14, 2000**

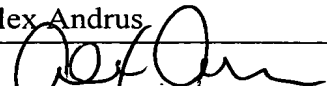
Prior application information:

Examiner: **Truong, T.**Group Art Unit: **1624**

For **CONTINUATION OR DIVISIONAL APPS** only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion of the disclosure is omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☒ Customer Number or Bar Code Label**22896**or ☐ Correspondence address below

|         |                          |           |              |          |              |
|---------|--------------------------|-----------|--------------|----------|--------------|
| Name    | Alex Andrus              |           |              |          |              |
| Address | Applied Biosystems       |           |              |          |              |
|         | 850 Lincoln Centre Drive |           |              |          |              |
| City    | Foster City              | State     | California   | Zip Code | 94404        |
| Country | US                       | Telephone | 650-570-6667 | Fax      | 650-638-6677 |

|                   |   |                                   |                  |
|-------------------|---|-----------------------------------|------------------|
| Name (Print/Type) | Alex Andrus   | Registration No. (Attorney/Agent) | 44,509           |
| Signature         |  | Date                              | October 24, 2001 |

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**FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**Complete if Known**

|                      |                             |
|----------------------|-----------------------------|
| Application Number   | To be assigned              |
| Filing Date          | October 24, 2001 (herewith) |
| First Named Inventor | Linda G. Lee                |
| Examiner Name        | To be assigned              |
| Group Art Unit       | To be assigned              |
| Attorney Docket No.  | 4478D2 US                   |

**TOTAL AMOUNT OF PAYMENT (\$ 1,028.00)****METHOD OF PAYMENT (check one)**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number: 01-2213  
Deposit Account Name: Applied Biosystems

- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:  
☐ Check ☐ Credit card ☐ Money ☐ Other Order

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 101 740 201 370            |                            | Utility filing fee     | 740.00   |
| 106 330 206 165            |                            | Design filing fee      |          |
| 107 510 207 255            |                            | Plant filing fee       |          |
| 108 740 208 370            |                            | Reissue filing fee     |          |
| 114 160 214 80             |                            | Provisional filing fee |          |

**SUBTOTAL (1) (\$ 740.00)****2. EXTRA CLAIM FEES**

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 36                 | -20**= 16    | X 18.00        | 288.00   |
| Independent Claims | 3 -3**= 0    | X 84.00        | 0.00     |
| Multiple Dependent |              | 0.00           | 0.00     |

\*\*or number previously paid, if greater; For Reissues, see below

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 103 18 203 9               |                            | Claims in excess of 20                                     |
| 102 84 202 42              |                            | Independent claims in excess of 3                          |
| 104 280 204 140            |                            | Multiple dependent claim, if not paid                      |
| 109 84 209 42              |                            | ** Reissue independent claims over original patent         |
| 110 18 210 9               |                            | ** Reissue claims in excess of 20 and over original patent |

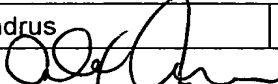
**SUBTOTAL (2) (\$ 288.00)****FEE CALCULATION (continued)****3. ADDITIONAL FEES****Large Entity Small Entity**

| Fee Code (\$)       | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------------|---------------|--|----------|
| 105 130 205 65      |               | Surcharge - late filing fee or oath  |          |
| 127 50 227 25       |               | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139 130 139 130     |               | Non-English specification  |          |
| 147 2520 147 2520   |               | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112 920* 112 920*   |               | Requesting publication of SIR prior to Examiner action                     |          |
| 113 1840* 113 1840* |               | Requesting publication of SIR after Examiner action                        |          |
| 115 110 215 55      |               | Extension for reply within first month                                     |          |
| 116 400 216 200     |               | Extension for reply within second month                                    |          |
| 117 920 217 460     |               | Extension for reply within third month                                     |          |
| 118 1440 218 720    |               | Extension for reply within fourth month                                    |          |
| 128 1960 228 980    |               | Extension for reply within fifth month                                     |          |
| 119 320 219 160     |               | Notice of Appeal   |          |
| 120 320 220 160     |               | Filing a brief in support of an appeal                                     |          |
| 121 280 221 140     |               | Request for oral hearing   |          |
| 138 1510 138 1510   |               | Petition to institute a public use proceeding                              |          |
| 140 110 240 55      |               | Petition to revive - unavoidable   |          |
| 141 1280 241 640    |               | Petition to revive - unintentional   |          |
| 142 1280 242 640    |               | Utility issue fee (or reissue)   |          |
| 143 460 243 230     |               | Design issue fee   |          |
| 144 620 244 310     |               | Plant issue fee  |          |
| 122 130 122 130     |               | Petitions to the Commissioner  |          |
| 123 50 123 50       |               | Petitions related to provisional applications                              |          |
| 126 180 126 180     |               | Submission of Information Disclosure Stmt                                  |          |
| 581 40 581 40       |               | Recording each patent assignment per property (times number of properties) |          |
| 146 740 246 370     |               | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 149 740 249 370     |               | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 179 740 279 370     |               | Request for Continued Examination (RCE)                                    |          |
| 169 900 169 900     |               | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 0.00)****SUBMITTED BY**

|                   |   |                                   |        |           |                  |
|-------------------|---|-----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Alex Andrus   | Registration No. (Attorney/Agent) | 44,509 | Telephone | 650-638-5607     |
| Signature         |  |                                   |        | Date      | October 24, 2001 |

**WARNING:**

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

CERTIFICATION UNDER 37 CFR 1.10

Express Mail Number: EL 897 621 483 US

Date of Deposit: October 24, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D.C. 20231.

Mila T. Kasan  
(Print Name of Person Mailing Application)

*M. T. Kasan*  
(Signature of Person Mailing Application)

**Docket No. 4478D2 US**

**Transmittal of Divisional Patent Application  
For Filing Under 37 CFR 1.53(b)**

PRIOR APPLICATION:                      Examiner: Troung, T.

Art Unit: 1624

Assistant Commissioner for Patents  
Box: Patent Application  
Washington, D.C. 20231

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/661,206 filed on September 14, 2000 by Linda G. Lee, Ronald J. Graham and William E. Werner entitled

**WATER-SOLUBLE RHODAMINE DYE CONJUGATES**

1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ One utility patent application containing text pages 1 - 136 and ☒ 4 sheets of ☒ formal ☐ informal drawings.
- ☒ Application Data Sheet.
- ☒ Copy of executed Declaration of Inventorship from grand parent application serial no. 09/433,093.
- ☐ Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- ☒ A Preliminary Amendment.
- ☐ A new Power of Attorney.

2. Amendment

- ☒ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- ☒ Please cancel original claims 2 - 69, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)
- ☐ Amend the specification by inserting before the first line the sentence: -- This application is a divisional / continuation of application serial no. \_\_\_\_\_ filed \_\_\_\_\_ which is a divisional / continuation of application serial no. \_\_\_\_\_ filed \_\_\_\_\_ . --

3. Extension of Time

- ☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to \_\_\_\_\_ (copy enclosed).

- ☒ **Conditional Petition for Extension of Time:** An Extension of Time is requested to provide for timely filing *if* required to establish copendency with the parent after all papers filed herewith have been considered.

4. **Prior Documents Still in Effect**

- ☒ This application and parent application Serial No. 09/661,206 filed September 14, 2000 are assigned of record to Applera Corporation.
- ☒ Power of attorney in the above-identified prior application is to Alex Andrus, Reg. No. 44,509, and the other attorneys or agents identified therein.

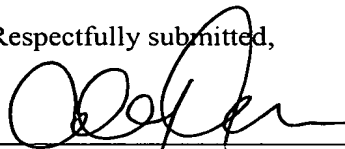
5. **Fees**

The filing fee is calculated below taking into account any amendments in section 2 above:

| FOR                | NUMBER<br>FILED   | NUMBER<br>EXTRA | RATE   | FEE        |
|--------------------|---|-----------------|--------|------------|
| TOTAL CLAIMS       | 36 - 20   | 16              | X \$18 | \$288.00   |
| INDEPENDENT CLAIMS | 3 - 3   | 0               | X \$84 | \$0.00     |
|                    | BASIC FEE   |                 |        | \$740.00   |
|                    | Multiple Dependency Fee If Applicable \$280.00  |                 |        | 0.00       |
|                    | Total   |                 |        | 1,028.00   |
|                    | 50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern |                 |        |            |
|                    | TOTAL FILING FEE  |                 |        | \$1,028.00 |

- ☒ The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. 01-2213. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed.
- ☐ Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.  
**DO NOT CHARGE DEPOSIT ACCOUNT.**

Respectfully submitted,



Alex Andrus, Reg. No. 44,509

Dated: October 24, 2001

**Correspondence Address:**

Customer Number 22896  
Applied Biosystems  
Patent Department M/S 432-2  
850 Lincoln Centre Drive  
Foster City, California 94404  
Telephone: 650-638-5607  
Facsimile: 650-638-6677